

REMARKS/ARGUMENTS

1. Summary

Claims 37 – 39 and 53 – 57 have been examined. Claim 39 has been amended to reflect proper antecedent basis of recitations therein.

Claims 37 – 39 and 53 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. No. 6,150,628 (“Smith”). Claims 54 – 57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of U.S. Pat. No. 3,462,622 (“Cann”), JP 62-126533 (“Kitamura”) and U.S. Pat. No. 6,418,874 (“Cox”).

2. Remarks

Applicant respectfully traverses the rejection of claim 37. Claim 37 recites “an ion source ... having a toroidal plasma generator to generate a plasma having theta symmetry about a center line of the toroidal plasma generator, and an ion source aperture aligned essentially along the center line, whereby ions are ejected from the ion source chamber through the ion source aperture as an ion beam in motion essentially along the center line[.]”

Smith does not teach or suggest an ion source aperture aligned essentially along the center line of a toroidal plasma generator whereby ions are ejected through the aperture as an ion beam along the center line. Instead, Smith discloses a slit 204 which is perpendicular to, and distant from, the center line of magnetic cores 100, 106. *See* Smith, Fig. 5. Consequently, any ions ejected through the aperture would not be a beam in motion along the center line of magnetic cores 100, 106. Because Smith does not disclose all of the elements of claim 37, claim 37 is believed to be allowable, and withdrawal of the §102 rejection is respectfully requested.

All other claims present for examination depend either directly or indirectly from claim 37, and are therefore believed to be allowable at least by virtue of their dependence from an allowable base claim.

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PATENT

CONCLUSION

For at least the foregoing reasons, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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